

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Honorable Sean F. Cox

Two Thousand Seven Hundred
Twenty-Four Dollars and Thirty Cents
in United States Currency (\$2,724.30),
et al.

Case No. 08-11507

Defendants.

OPINION & ORDER

GRANTING MOTION FOR DEFAULT JUDGMENT

AND FINAL ORDER OF FORFEITURE AGAINST ALL PARTIES
AS TO \$2,724.30 IN UNITED STATES CURRENCY

This forfeiture action is currently before the Court on the Government's Motion for Entry of Default Judgment and Final Order of Forfeiture Against All Parties as to the following *in rem* defendant: \$2,724.30 in United States Currency. For the reasons set forth below, the motion shall be GRANTED.

On April 8, 2008, the Government filed this *in rem* forfeiture action, pursuant to 18 U.S.C. § 1955(d) and 18 U.S.C. § 981. This action involves several defendants *in rem*, including: "Two Thousand Seven Hundred Twenty Four Dollars and Thirty Cents in United States Currency (\$2,724.30) seized on October 13, 2007, pursuant to a state authorized search warrant executed at the residence of John Shelly and Denise Champion in St. Clair Shores, Michigan." (Compl. at ¶ 6).

The \$2,724.30 in currency is the only remaining *in rem* defendant in this action.

This action was originally assigned to the Honorable Marianne Battani, but was reassigned to this Court as a companion case to a prior forfeiture action, Case No. 08-10347. Both actions involve forfeitures following an investigation into illegal gambling operations in the metropolitan Detroit area. The complaint in this action indicates that, as a result of the investigation, the F.B.I. executed a search of the residence of John Shelly in St. Clair Shores, Michigan, at which time the \$2,724.30 was seized.

On September 11, 2008, the Government filed the instant motion seeking entry of default judgment and final order of forfeiture against all parties as to the \$2,724.30 in currency. In its motion, the Government states that copies of the Complaints for Forfeiture and Warrants of Arrest and Notices in Rem were served upon all potential parties (*see* Docket Entries No. 6 & 7). It also states that, pursuant to the applicable rules, notice of this action was also published in the *Detroit Legal News* on May 7, 2008, directing any person claiming an interest in the subject property to file a verified claim within thirty-five (35) days of the notice, and an answer to the complaint within twenty (20) days thereafter. (*See* Docket Entry No. 16).

The Government notes that no verified claims have been filed in this action by Denise Champion, John Shelly, or any other person, within the time period for doing so.

A Clerk's Entry of Default as to the Currency at issue (\$2,724.30) was entered on September 9, 2008. (Docket Entry No. 24). In support of its Motion seeking a default judgment as to the Currency against all parties and a final order of forfeiture, the Government has also submitted an Affidavit of Majority, Non-Incompetence, and Non-Military Status that indicates that based upon information and belief, neither Champion nor Shelly are minors, neither Champion nor Shelly are serving in the military, and neither Champion nor Shelly are

incompetent persons. (Docket Entry No. 26).

This Court held a hearing on the Government's Motion for Default Judgment on January 22, 2009. Although the Government appeared for the hearing, no persons claiming an interest to the Currency, or opposing the Government's motion, appeared at the hearing. In addition, no written opposition to the Government's motion has been filed by any party.

Having reviewed the motion, the Court is satisfied that the Government is entitled to entry of a default judgment in this matter. IT IS THEREFORE ORDERED that the Government's Motion for Entry of Default Judgment is GRANTED.

s/Sean F. Cox

Sean F. Cox
United States District Judge

Dated: January 22, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 22, 2009, by electronic and/or ordinary mail.

s/Jennifer Hernandez

Case Manager